

MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – JULY 7, 2010 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD
PLEASE TURN OFF ALL ELECTRONIC DEVICES DURING MEETING – THANK YOU.

(The Town of Edgewood Council is pleased to have residents of the community take time to attend Council Meetings. Attendance and participation is encouraged. Individuals wishing to be heard during Public Hearing proceedings are encouraged to be prepared. **PUBLIC COMMENTS ARE EXPECTED TO BE CONSTRUCTIVE AND DEVOID OF CHARACTER ASSASSINATION.** Written comments are welcomed and should be given to the Clerk-Treasurer prior to the start of the meeting.

• **CALL TO ORDER.**

Mayor Stearley called the meeting to order @ 6:30 P.M. All Councilors were present with the exception of Councilor Abrams. Also present was Ms. Karen Mahalick, A.I.C.P., Administrator, and Ms. Estefanie Muller, Clerk-Treasurer.

- **PLEDGE OF ALLEGIANCE.**
- **APPROVAL OF AGENDA.**

MOTION: Councilor Hill made a motion to approve the Agenda as presented. Councilor Ring seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Ring voted aye. The motion carried.

1. APPROVAL OF CONSENT AGENDA.

- A. Regular Council Meeting Minutes of June 16, 2010.
- B. Acknowledge Receipt of the Planning & Zoning Commission Meeting Minutes of June 21, 2010.
- C. Acknowledge Receipt of the Parks & Recreation Advisory Committee “Things for Kids & Teens to Do” Sub-Committee Meeting Minutes of March 29, 2010.

MOTION: Councilor Hill made a motion to approve the Consent Agenda. Councilor Ring seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

2. MATTERS FROM THE MAYOR.

Mayor Stearley stated that he did not have any matters this evening.

3. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

Councilor Simmons asked Ms. Mahalick if she had checked with Bernalillo County and Santa Fe County for their preliminary plat extension time frames.

Ms. Mahalick responded that she had looked at other municipalities and found one year was standard.

Councilor Simmons requested this discussion be placed on a future Agenda.

4. MATTERS FROM THE ATTORNEY.

None.

5. MATTERS FROM THE MUNICIPAL JUDGE.

A. Judge White will present his report for the month of June, 2010.

(Judge White will not be present)

Mayor Stearley stated that Judge White was not present this evening but asked if the Council had any questions or comments on the report.

Councilor Simmons asked about the expenditure of funds collected from fines.

Ms. Mahalick responded that the funds went toward the costs of housing prisoners, the court automation fee and also circulates back into the correction fund.

Councilor Simmons asked if the Town had experienced a lot of prisoners or if the costs were high.

Ms. Mahalick stated the Town was getting there as it costs \$85.00 per day plus transportation costs, it adds up quickly as there are more arrests now.

6. MATTERS FROM THE ADMINISTRATOR/ PLANNER.

A. Findings of Fact and Conclusions of Law – Re: Appeal by Campbell Corporation
(Resolution No. 2010-13)

Ms. Mahalick reviewed this item for the Council stating the Findings of Fact had been approved by Erica from the Town Attorneys office. She asked the Council if they would like her to read the document into the record or if the Resolution as printed was sufficient.

MOTION: Councilor Ring made a motion to approve Resolution No. 2010-13 Findings of Fact and Conclusions of Law for the Appeal by Campbell Corporation. Councilor Simmons seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

B. Union Negotiations – Appointment of Representative.

Ms. Mahalick reviewed this item for the Council detailing the three options for them to consider in regards to the union negotiations. She added these negotiations are closed door and private and stressed that the representative would carry a great deal of latitude before it comes to Council for approval.

Mayor, Council and Staff entered into discussions regarding the three options in detail.

Chief Daniels discussed his experience in dealing and signing contracts with unions and he recommended hiring a consultant.

Ms. Mahalick stated she had met with the representative for Management Associates, Inc. and there would be a \$20,000.00 cap on the consultant contract. This is the same consultant the City of Albuquerque is using. Negotiations could take some time. She added that Mr. Rael had recommended Mr. Cherpelis, a consultant who is also experienced in labor negotiations. The Town could also not hire a consultant and use Robles, Rael & Anaya for the legal work.

Councilor Ring asked if the Union has officers and elections.

Ms. Mahalick stated this would be one of the first things to find out.

MOTION: Councilor Hill made a motion to hire a professional consultant and identified Ms. Mahalick and Chief Daniels as participants to the negotiations. Councilor Simmons seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

C. Approval to hire Police Officer – Mr. Frederick Miller.
Chief Daniels introduced Mr. Frederick Miller presenting his credentials, experience and asked for the Councils approval to hire him for the Police Department.

MOTION: Councilor Ring made a motion to approve the hiring of Frederick Miller for the police department. Councilor Hill seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Ring voted aye. The motion carried.

D. Open Space Naming Policy.
Ms. Mahalick reviewed this item for the Council and asked if they had reviewed the document and had any comments.
Councilor Simmons responded that she had just received the document tonight and therefore had not reviewed it.
Councilor Ring stated he would like the word Council to be replaced with the word Town throughout the document. Council requested this policy be brought back as a Resolution.

MOTION: Councilor Hill made a motion to table this item to allow for corrections and changes. Councilor Ring seconded for discussion.

Ms. Mahalick stated she would make these changes and corrections and bring this back as a Resolution to the next meeting.

VOTE: Councilor Ring voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

7. PUBLIC COMMENTS. Limit to 2 minutes per person.

Note: If you plan to testify under Public Hearings, please do not sign up for this topic.

None.

8. APPROVAL OF THE MEMORANDA OF UNDERSTANDING:

A. Town of Edgewood/EVEDA.

Ms. Mahalick reviewed this item for the Council stating there were some questions regarding the requirement of a written comprehensive financial report.

Council discussed the items that should be included in the report and how often the report is made to Council.

Councilor Hill encouraged EVEDA to educate the Town on some of their concerns and suggested that this item be tabled until some of the typographical errors are corrected and they have a chance to talk to the EVEDA representative.

Council discussed the role and purpose as well as funding of EVEDA and agreed this should be tabled.

Ms. Mahalick presented examples of some of the items that have not been provided or followed through with and stated there is a need for accountability.

MOTION: Councilor Hill made a motion to table the MOU between the Town of Edgewood and EVEDA and a requested the EVEDA staff provide the answers to Councils questions. Councilor Ring seconded the motion.

Mayor Stearley requested Ms. Mahalick provide the issues and questions to Ms. Pancrazio so she can be prepared at the July 21, 2010 meeting.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Ring voted aye. The motion carried.

B. Town of Edgewood/EBRA.

Ms. Mahalick reviewed this item for the Council stating the amount for this contract was reduced as well.

MOTION: Councilor Ring made a motion to approve the MOU between the Town of Edgewood and EBRA. Councilor Hill seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

C. Town of Edgewood/Chamber of Commerce. (Chamber requested 30 day extension)

Ms. Mahalick reviewed this item for the Council and stated the Chamber is requesting a 30 day extension of the lease agreement. She added the agreement has been reviewed by the Attorney who added the language regarding Public Forum.

Councilor Hill requested that the Attorney and a full quorum be present for these discussions. Council and Staff agreed.

Mr. Scott stated that he had conducted research on the definition of Public Forum and it is the Chambers position that it is not a public forum but rather their lease space for a private organization. He added that the issue was whether or not it is a public forum and if it is, the Chamber will not enter into a lease agreement as this would mean they would have to get permission from the Town for any meetings. He asked that a dollar amount be determined for the services the Chamber provides for the Town and thus remove any ambiguity to the lease. Councilor Hill stated that it is legal for a landlord to negotiate the terms of a lease to be accepted by the tenant or not. Councilor Hill stated the pertinent word is “when” this implies that sometimes it is a public forum and sometimes it is not and this should be clarified.

Mr. Scott agreed stating the goal was to determine if, by the lease agreement the Chamber is a part of the Town or not. By making the facility a public forum that makes it governed by the Town and the Chamber is not prepared to sign the agreement. He continued this would require the permission of the Town for every private meeting and that negates a primary function of the Chamber.

Ms. Mahalick stated that the Town had not added additional duties to the agreement but had simply incorporated a secondary document and that none of it was new with the exception of the portion relating to public forum.

Mr. Scott stated the Chamber is in agreement with all of the duties listed in the agreement with the exception of the public forum portion.

Ms. Mahalick asked if Mr. Scott would propose the dollar amount for the services provided so she may incorporate it into the contract.

Mr. Scott responded he would be happy to.

Councilor Hill stated this would be helpful and appreciated it but it would not satisfy the issue for everyone.

Mr. Scott added the services and their value have never been defined and he feels it should be. Councilor Hill suggested the Chamber establish a written policy regarding candidates and elections as this is an area that can lead to issues even though this is an appropriate function of the Chamber.

Mr. Scott stated the perception is that the Chamber is part of the Town because the Town provides the facility without compensation. He continued that he respected and appreciated all of the information the Council has provided.

Councilor Hill stated the issue is not the meet and greet type of engagements the Chamber holds but rather the venue that poses the problem.

Mayor Stearley added that he was certain the Council did not want the authority to approve or disapprove of the Chambers meetings.

Mr. Scott agreed and stated he felt there are ways to get around this problem.

Mayor Stearley asked Mr. Scott to establish a monetary value to the services the Chamber provides the Town.

Mr. Scott stated they had already begun the process.

MOTION: Councilor Simmons made a motion to table this item until the meeting of July 21, 2010. Councilor Hill seconded the motion.

VOTE: Councilor Ring voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

Ms. Mahalick asked the Council if they would be willing to entertain the concept of adding on to the Town Municipal Office building to house the Chamber and the Police Department.

Council agreed to have a discussion placed on a future agenda.

Councilor Hill suggested enlisting a task force to evaluate some of the options for the Town offices.

9. CHAMBER OF COMMERCE QUARTERLY REPORT – Ms. Robin Foshee.

Ms. Robin Foshee presented the Chamber of Commerce Quarterly. She also discussed upcoming events and asked if any Council members would volunteer to be a judge at the Route 66 Days Bar-B-Q.

Councilor Ring asked Ms. Foshee how many hours a week she was working at the office.

Ms. Foshee responded that she was available 8 hours a day but was not always in the office as it is sometime difficult for business owners to leave their businesses so she goes to them.

Ms. Mahalick asked when the financial information would be submitted.

Ms. Foshee responded that she would submit it at a later date.

10. PUBLIC HEARING.

Legislative Procedure: Certification that Public Notice of this Meeting has been posted as required:

Ms. Mahalick certified that public notice of this meeting had been posted as required.

A. Town of Edgewood 2010-2011 Fiscal Year Budget.
Resolution No. 2010-14.

Ms. Mahalick reviewed this item for the Council highlighting some of the changes from the previous budget that had been presented. She added the changes were needed to cover the insurance increases as well as some calculations that were not carried through correctly on the spreadsheet.

Councilor Hill asked about the \$20,000.00 approved earlier in the meeting and where it was located on this budget.

Ms. Mahalick responded that it was located in Professional Services for F & A and had already been budgeted accordingly.

Ms. Mahalick reviewed the impact a decline in revenue would have on the Town Budget and provided examples for the Council. She added the economic climate warrants keeping close tabs on the GRT's and she would notify Council immediately of any issues.

MOTION: Councilor Hill made a motion to adopt Resolution No. 2010-14 adopting and approving submittal of the Town of Edgewood 2010-2011 Fiscal Year Budget to the State of New Mexico Department of Finance and Administration. Councilor Ring seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Ring voted aye. The motion carried.

There were no public comments at this time.

11. RESOLUTIONS.

A. Budget Resolution No. 2010-15 Line Item Transfers.

Ms. Mahalick reviewed this item for the Council explaining the reasons for the corrections and stating the funds are available to make these corrections.

MOTION: Councilor Ring made a motion to approve Budget Resolution No. 2010-15 Line Item Transfers. Councilor Simmons seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Ring voted aye. The motion carried.

12. ANNOUNCEMENTS & CALENDAR REVIEW.

A. Regular Council Meeting – July 21, 2010 @ 6:30 P.M.

B. Regular Council Meeting – August 4, 2010 @ 6:30 P.M.

C. Regular Council Meeting – August 18, 2010 @ 6:30 P.M.

Ms. Mahalick stated that she would provide the contracts, Open Space Policy as a Resolution, as well as the ICIP at the next meeting. She also stated the Planning & Zoning Commission would like to revert back to the 1999 Ordinance regarding the policy for preliminary plats and she will present this at the next meeting.

Councilor Hill thanked Mr. Miller of Santa Fe County for attending this evening. He also discussed the dates for the Intergovernmental Summit and stated they have been very

informative in the past. He requested the first Regular Councilor Meeting of September be rescheduled because it is in conflict with the Municipal League Annual Conference. Mayor Stearley confirmed the EVEDA and Chamber Contracts would be discussed at the next meeting.

13. FUTURE AGENDA ITEMS.

A. Public Hearing to adopt the 2010 Uniform Traffic Ordinance- July 21, 2010.

Ms. Mahalick stated Judge White may have some corrections and comments and she would work these out with the assistance of the Judge and the Chief.

14. ADJOURN.

MOTION: Councilor Simmons made a motion to adjourn the meeting.

VOTE: All Councilors voted aye.

Mayor Stearley adjourned the meeting at 8:18 P.M.

PASSED, APPROVED and ADOPTED this 21st day of July, 2010

Honorable Robert Stearley, Mayor

ATTEST:

Estefanie B. Muller, Clerk-Treasurer